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ASETEK DANMARK A/S and  
Counterdefendant ASETEK USA, INC.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

ASETEK DANMARK A/S,  
  
Plaintiff and  
Counterdefendant,  
  
ASETEK USA, INC.,  
  
Counterdefendant,

v.

COOLIT SYSTEMS, INC.,  
  
Defendant and  
Counterclaimant,  
  
COOLIT SYSTEMS USA INC., COOLIT  
SYSTEMS ASIA PACIFIC LIMITED,  
COOLIT SYSTEMS (SHENZHEN) CO.,  
LTD.,  
  
Defendants,  
  
CORSAIR GAMING, INC. and CORSAIR  
MEMORY, INC.,  
  
Defendants.

CASE NO. 3:19-cv-00410-EMC

**DECLARATION OF JEFFREY D. SMYTH  
IN SUPPORT OF ASETEK DANMARK  
A/S'S AND ASETEK USA, INC.'S  
OPPOSITION TO DEFENDANTS'  
DAUBERT MOTION TO EXCLUDE  
PORTIONS OF THE EXPERT REPORT OF  
DR. NISHA MODY**

Date: May 5, 2022  
Time: 1:30 PM  
Location: Courtroom 5, 17<sup>th</sup> Floor  
Judge: Hon. Edward M. Chen

1 I, Jeffrey D. Smyth, declare as follows:

2 1. I am an attorney licensed to practice before this Court and all courts of the State of  
3 California, and am a Partner with Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, counsel  
4 for Plaintiff and Counterdefendant Asetek Danmark A/S (“Asetek”) in the above-entitled action. I  
5 submit this declaration in support of Asetek’s Opposition to Defendants’ Daubert Motion to Exclude  
6 Portions of the Expert Report of Dr. Nisha Mody. The matters stated herein are based upon my  
7 personal knowledge, and if called as a witness, I would testify as to the following statements.

8 **IDENTIFICATION OF EXHIBITS**

9 2. Attached hereto as **Exhibit A** is a true and correct copy of an excerpt of the Expert  
10 Rebuttal Report of John L. Hansen, dated December 8, 2021 (submitted for filing under seal).

11 3. Attached hereto as **Exhibit B** is a true and correct copy of an excerpt of the transcript  
12 from the January 5, 2022 deposition of Mr. John Hansen (submitted for filing under seal).

13 **RELEVANT FACTS CITED IN ASETEK’S MOTION**

14 4. Dr. John Abraham submitted two expert reports in this matter. Dkt. Nos. 396 and  
15 399-4. Neither of Dr. Abraham’s expert reports included any opinion or evidence that CoolIT’s  
16 redesigns were available in 2015 and he has nowhere described facts or data that would support that  
17 apparent opinion.

18  
19 I declare under penalty of perjury under the laws of the United States that the foregoing is  
20 true and correct. Executed this 14th day of April 2022, at Palo Alto, California

21  
22 By: /s/ Jeffrey D. Smyth  
23 Jeffrey D. Smyth  
24 *Attorneys for Plaintiff and Counterdefendant*  
*ASETEK DANMARK A/S and*  
*Counterdefendant ASETTEK USA, INC.*